

DECLASSIFIED AND RELEASED BY  
CENTRAL INTELLIGENCE AGENCY  
SOURCE METHOD EXEMPTION 3B2B  
NAZI WAR CRIMES DISCLOSURE ACT  
DATE 2006 *o/EUR*

<b>DISPATCH</b>		CLASSIFICATION <b>S E C R E T</b>	PROCESSING ACTION
TO	Chief, EUR		MARKED FOR INDEXING
INFO.	Chief of Station, Germany	X	NO INDEXING REQUIRED
FROM	Chief of Base, <i>H. W. B.</i> Hamburg		ONLY QUALIFIED DESK CAN JUDGE INDEXING
SUBJECT	Operational/CALL/CAINFER 0 CAINFER-1		MICROFILM
ACTION REQUIRED - REFERENCES			
<p>References: A. HAMBURG 7527, December 1967 B. EGGW-1335, May 1968</p> <p>1. Subject was met in his home town on 15 May 1968. This was the first meeting with him since September 1967. He had cancelled a previous meeting with us, which had been scheduled for December 1967 (see Reference A).</p> <p>2. We purposely waited several months before recontacting Subject, in order not to create the impression that we were anxious to proceed with this case, or that we were overly interested in any court proceedings in which he may be involved.</p> <p>3. Subject gave us the following summary of what transpired between September 1967 and March 1968:</p> <p>a. 4 September 1967: The Hamburg Supreme Court upset a previous decision by a lower Hamburg court that it was not qualified to hear Subject's case since Subject does not live in Hamburg and his co-defendant had died in 1966,</p> <p>b. 5 January 1968: The lower Hamburg court again refused to hear Subject's case, this time because:</p> <p>(1) The court felt that the statute of limitations in this case, which dates back to 1935, had expired;</p> <p>(2) The court felt there was not sufficient evidence in this case to convict Subject within the existing legal framework;</p> <p>(3) The circumstances of the crime, in spite of the fact that it resulted in the loss of a human life, were such that there may not be sufficient legal grounds for trying and convicting Subject.</p>			
Attachment:		<i>6/5 ATT'D BY RC/AB</i> <i>Dated 12 June 68</i>	
1. Documents, u/s/c			
Distribution: 3 - C/EUR, w/att, u/s/c		CS COPY	
2 - COS, Germany, w/att, u/s/c			
CROSS REFERENCE TO	DISPATCH SYMBOL AND NUMBER	DATE	
	EGGA-4203	29 May 1968	
	CLASSIFICATION	HQ'S FILE NUMBER	
	S E C R E T	201-817051 <i>204</i>	

<b>CONTINUATION OF DISPATCH</b>	<b>CLASSIFICATION</b>  S E C R E T	<b>DISPATCH SYMBOL AND NUMBER</b>  EGGA-4203
<p>c. On 16 January 1968 the Hamburg public prosecutor filed an appeal against the lower court's decision.</p> <p>d. On 1 March 1968 Subject's defense counsel submitted a brief arguing against the prosecutor's appeal.</p> <p>e. On 22 March 1968 Subject's defense counsel informed him that the Hamburg Supreme Court had rejected the public prosecutor's appeal, and that this means the end of attempts to bring Subject to trial.</p> <p>f. On 27 March 1968 Subject was notified by his attorney of the Hamburg Supreme Court's decision that Subject's legal defense costs would be borne by the state.</p> <p>g. On 17 April 1968 the organization chief of the National Democratic Party (NPD) of Subject's city notified the party's city business manager that Subject's "difficulties" had been disposed of, and that Subject's membership in the NPD should be reactivated.</p> <p>4. Subject furnished documentary proof to the case officer, supporting the above-cited developments. Copies of these documents are forwarded as separate cover attachments.</p> <p>5. Subject stated that he had not contacted us earlier for three reasons:</p> <p>a. He was somewhat "embarrassed" that he had assured us last September that there was no likelihood of his case being brought up in court again. Since we had made it clear to him that we would not engage in any clandestine activity with him as long as his court case remained unresolved, he felt that he should wait until his case was permanently resolved.</p> <p>b. Although his case was resolved in March, his health still was not up to par (he claims he is suffering of circulatory trouble, due mainly to the anxiety which he experienced while his case was still pending). He wanted to wait until he had taken another vacation before contacting us.</p> <p>c. Subject wanted to wait until he could present us with a "fait-accompli" - full-fledged membership in the NPD.</p> <p>6. Subject turned over to us various notices and pamphlets he has received from the NPD in the past month. The only item we considered possibly worth disseminating from this material is being forwarded as EGG-1324.</p> <p>7. Subject stated that, now that his court case has been disposed of, he is more willing than ever to work on our behalf. No commitments have been made to him so far, however, since we want to await the outcome of the SGSWIRL examination, which is now scheduled to be administered during our next meeting with Subject, on 12 July 1968.</p> <p style="text-align: center;">[Handwritten initials and marks]</p>		
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